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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON – PORTLAND DIVISION

CALISTA ENTERPRISES LTD.,
a Republic of Seychelles company,

Plaintiff,

- v. -

TENZA TRADING LTD.,
a Cyprus company,

Defendant.

Case No. 3:13-cv-01045-SI

**DECLARATION OF MATTHEW
SHAYEFAR IN SUPPORT OF CALISTA
ENTERPRISES LTD.'S REPLY IN
SUPPORT OF ITS MOTION FOR
SUMMARY JUDGMENT**

TENZA TRADING LTD.,
a Cyprus company,

Counterclaim Plaintiff,

- v. -

CALISTA ENTERPRISES LTD.,
a Republic of Seychelles company, and
ALEXANDER ZHUKOV,
a Czechoslovakian citizen,

Counterclaim Defendants.

I, Matthew Shayefar, declare as follows:

1. I am an attorney licensed to practice in the Commonwealth of Massachusetts and the State of California and I am admitted to practice *pro hac vice* before this Court. I am an attorney at Boston Law Group, PC, counsel of record for Plaintiff and Counter-defendant Calista Enterprises Ltd. (“Calista”) in this action against Defendant and Counterclaimant Tenza Trading Ltd. (“Tenza”). I have personal knowledge of the facts stated herein. If called upon to do so, I could and would testify to the truth thereof.

2. Attached hereto as Exhibit 69 are copies of the Oxford English Dictionary entries for “porn” and “tube.”

3. Attached hereto as Exhibit 70 are copies of the Merriam-Webster Online Dictionary entries for “porn” and “tube.”

4. Attached hereto as Exhibit 71 are excerpts from the New Oxford American Dictionary, including the entries for “porn” and “tube.”

5. Attached hereto as Exhibit 72 are copies of the American Heritage Dictionary of the English Language entries for “porn” and “tube.”

6. Attached hereto as Exhibit 73 are copies of the Cambridge Dictionaries Online entries for “pornography” and “tube.”

7. Attached hereto as Exhibit 74 is a printout of the Wikipedia.org article for “Food Porn” as accessed on July 22, 2014.

8. Attached hereto as Exhibit 75 is a screen capture of the porntube.com website taken on July 22, 2014.

9. Attached hereto as Exhibit 76 is a screen capture of the Internet Archive Wayback Machine entry for porntube.com from November 8, 2006.

10. Attached hereto as Exhibit 77 is a screen capture of the Internet Archive Wayback Machine entry for porntube.com from May 15, 2007.

11. Attached hereto as Exhibit 78 is a document accessed from <http://www.dreamstarcash.com/wp-content/uploads/2012/03/PornTube-Guide-CPP.pdf> on July 22, 2014.

12. Attached hereto as Exhibit 79 is a printout of the website at <http://www.dreamstarcash.com/portfolio/porntube> as accessed on July 22, 2014.

13. Attached hereto as Exhibit 80 is a screen capture of royalporntube.com website taken on July 22, 2014.

14. Attached hereto as Exhibit 81 of the Gizmodo.com article titled “The Top Ten Most Dangerous Things You Can Do Online.”

15. Attached hereto as Exhibit 82 is a copy of the TESS entry for the PORNOTUBE trademark registration.

16. Attached hereto as Exhibit 83 is a screen capture of the pornotube.com website taken on July 22, 2014.

17. Attached hereto as Exhibit 84 is a screen capture of the Internet Archive Wayback Machine entry for pornotube.com from February 1, 2011.

18. Attached hereto as Exhibit 85 is a screen capture of the Internet Archive Wayback Machine entry for pornotube.com from March 8, 2011.

19. Attached hereto as Exhibit 86 is a screen capture of the Internet Archive Wayback Machine entry for pornotube.com from March 7, 2010.

20. Attached hereto as Exhibit 87 is a screen capture of the Internet Archive Wayback Machine entry for pornotube.com from July 2, 2006.

21. Attached hereto as Exhibit 88 is a screen capture of the Internet Archive Wayback Machine entry for pornotube.com from July 21, 2008.

I swear under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Dated: July 22, 2014

/s/ Matthew Shayefar
Matthew Shayefar